

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**TARA L. KEEN,**

**Plaintiff,**

**v.**

**OCWEN LOAN SERVICING, LLC,  
and ROBERT C. HELSON,**

**Defendants.**

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**Case No. 3:17-cv-00982  
Campbell/Newbern**

**MOTION TO ASCERTAIN STATUS OF COURT CONSIDERATION  
OF PENDING MOTIONS TO AMEND**

Defendant, Robert C. Helson, through counsel, and pursuant to LR 7.01(d) of the Local Rules for the United States District Court for the Middle District of Tennessee, files this motion to inquire as to the status of this Court's consideration of two pending motions to amend: (a) Defendant, Robert C. Helson's Motion to Amend Answer to Assert Counterclaim, Crossclaim and Third-Party Complaint, filed on December 8, 2017 (Dock. No. 16); and (b) Plaintiff, Tara Keen's Motion to for Leave to File First Amended Complaint, filed on December 15, 2017 (Dock. No. 18). No party timely filed a response in opposition to these pending motions. Despite this, no order approving the motions has yet to be entered by the Court.

Defendant, Robert C. Helson's motion to amend, in part, seeks to add a third-party, The Bank of New York Mellon Trust Company, to the lawsuit. In light of the Initial Case Management Order setting certain pretrial deadlines in the case, including, but not limited to, an April 30, 2018 deadline to complete all discovery, the Court's delay in considering these motions is causing an unnecessary delay in completing the pleadings process, including, filing the actual pleadings sought to be amended, responding to such pleadings, and completing discovery as to

relevant matters, including discovery relevant to the contemplated added third-party, prior to the pending discovery deadline. This will impact the parties' ability to meet additional deadlines set forth in the Initial Case Management Order. For these reasons, it is imperative that the Court issue an order related to these pending motions as soon as possible so that this matter can proceed posthaste.

WHEREFORE, premises considered, the undersigned requests that this Court adjudicate the pending motions to amend in an expedited manner.

Respectfully submitted,

/s/ Sean C. Kirk

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*Counsel for Defendant, Robert C. Helson*

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served via CM/ECF notice upon all parties registered to receive electronic notice in this action on this 12th day of February 2018, including the following counsel:

Kerry Dietz, Esq.  
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/s/ Sean C. Kirk

Sean C. Kirk